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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,769	03/09/2006	Makoto Numakawa	07A3825PCT	3001
7590 03/19/2008 Quinn Emanuel Urquhart Oliver & Hedges, LLP Koda/Androlia 10th Floor 865 S. Figueroa Street Los Angeles, CA 90007				
			EXAMINER BASHAW, HEIDI M	
			ART UNIT 3732	PAPER NUMBER
			MAIL DATE 03/19/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/565,769

Applicant(s)

NUMAKAWA ET AL.

Examiner

HEIDI M. BASHAW

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-8 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 24 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-85/86)
Paper No(s)/Mail Date 1/24/2006, 8/15/2007
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "82" has been used to designate both operation unit and ridge. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 160. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

4. Claim 3 is objected to because of the following informalities: in line 11 on the claim "in pace" is believed to be in error for -- in place --. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown 5,520,882.

7. Re claim 1, Brown teaches a maintenance apparatus for a medical handpiece comprising a first fluid supply 20 which feeds a maintenance fluid to a bearing of the handpiece as illustrated in fig. 2 (see abstract), a second fluid supply 30, which feeds a maintenance fluid to a chucking structure of the handpiece as illustrated in fig. 4 (col. 5,

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ll. 13-17), the chucking structure being capable of detachably holding the rotary tool (col. 5, ll. 35-36). Brown does not specifically teach the bearing being capable of rotatably supporting a rotary tool, however, the apparatus taught by Brown inherently functions as claimed.

8. Re claim 4, Brown teaches a maintenance apparatus for a medial handpiece comprising a fluid supply 30 which feeds a maintenance fluid to a chucking structure of a handpiece as illustrated in fig. 4 (col. 5, ll. 13-17) the chucking structure being capable of detachably holding the rotary tool (col. 5, ll. 35-36). Brown further teaches a control unit which controls the feeding of the maintenance fluid to the maintenance apparatus (col. 5, ll. 1-6).

9. Re claim 6, Brown teaches the maintenance apparatus wherein the said second fluid supply has at its outer wall, a passage which allows the fluid to flow along the axial direction as illustrated in fig. 4.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown 5,520,882 in view of Hiroharu JP2001090319.

12. Re claim 2, Brown teaches a maintenance apparatus for a medial handpiece comprising a first fluid supply 20 which feeds maintenance fluid fed from a maintenance

fluid supply to a bearing of the handpiece (see abstract) as illustrated in fig. 1, the bearing inherently being capable of rotatably supporting a rotary tool and a second fluid supply 30 which feeds the maintenance fluid supply to the chucking structure of the handpiece (col. 5, ll. 13-17) as illustrated in fig. 4, the chucking structure being capable of detachably holding the rotary tool (col. 5, ll. 35-36).

13. Brown does not teach a connector including a connector to be detachably connected to the maintenance fluid supply.

14. Hiroharu teaches a connector 32 including a connector to be detachably connected to the maintenance fluid supply 20 as illustrated in fig. 2. Hiroharu further teaches the fluid supply feeds the maintenance fluid fed from the maintenance fluid supply to the connector to the handpiece as illustrated in fig. 1.

15. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Brown in view of Hiroharu in order to deliver the fluid more precisely to the tool.

16. Re claim 3, Brown teaches a maintenance apparatus for use with a medical handpiece, wherein said handpiece includes a gripping portion 10 and a rotary-tool holding portion 12 formed on one end of said gripping portion, said gripping portion having a passage extending from the other end to said one end side (see abstract, col. 2, ll. 56-63), and said rotary-tool holding portion includes a chucking structure as illustrated in fig. 2. The rotary tool holding portion taught by Brown is capable of detachably holding a rotary tool and also comprises a rotatable member capable of holding the chucking structure and rotating on the center axis of the chucking structure

(col. 5, ll. 35-36, col. 3, ll. 20-24), and a bearing inherently capable of rotatably supporting the rotatable member, for rotating the rotatable member and the rotary tool with an aid of a power supplied (col. 1, ll. 16-21) comprising a first fluid supply 20 and a second fluid supply 30. Brown does not teach the first fluid supply is to be connected to the other end side of the passage of the handpiece, however, the apparatus taught by Brown is capable of functioning as claimed; therefore the claimed limitations are met.

17. Brown does not teach the second fluid supply to be held by the chucking structure of the handpiece in place of the rotary tool.

18. Hiroharu teaches the second fluid supply to be held by the chucking structure of the handpiece in place of the rotary tool as illustrated in fig. 1.

19. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Brown in view of Hiroharu in order to deliver the fluid more precisely to the tool.

20. Re claim 5, Brown does not teach the maintenance apparatus wherein the second fluid supply is unrotatably supported.

21. Hiroharu teaches the maintenance apparatus wherein the second fluid supply is unrotatably supported as illustrated in figs. 1-2.

22. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Brown in view of Hiroharu in order to deliver the fluid more precisely to the tool.

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23. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown 5,520,882 as applied to claim 4 and 6 above, and further in view of Guggenheim 5,057,283.
24. Re claims 7 and 8, Brown does not teach the maintenance apparatus wherein the second fluid supply has a hole for injecting the fluid in the form of a mist.
25. Guggenheim teaches injecting the fluid in the form of a mist (col. 4, ll. 23-25, 38-42).
26. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Brown in view of Guggenheim in order to enable the metering of the fluid to be adjusted as taught by Guggenheim (col. 4, ll. 23-25).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEIDI M. BASHAW whose telephone number is (571)270-3081. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez can be reached on 571-272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heidi Bashaw
Examiner
Art Unit 3732

/John J Wilson/
Primary Examiner
Art Unit 3732